



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Internet: <http://www.fcc.gov>  
TTY: 1-888-835-5322

DA 03-3766

Released: November 24, 2003

**PLEADING CYCLE ESTABLISHED FOR COMMENTS ON PETITION OF  
NORTHLAND NETWORKS, LTD. FOR PREEMPTION OF THE JURISDICTION OF  
THE NEW YORK STATE PUBLIC SERVICE COMMISSION PURSUANT TO  
SECTION 252(e)(5) OF THE COMMUNICATIONS ACT**

**WC DOCKET NO. 03-242**

**Comments: December 12, 2003**

**Reply Comments: December 19, 2003**

On November 14, 2003, Northland Networks, Ltd. (Northland) filed a petition pursuant to section 252(e)(5) of the Communications Act of 1934, as amended, and section 51.803 of the Commission's rules.<sup>1</sup> Northland requests that the Commission preempt the jurisdiction of the New York State Public Service Commission to resolve a dispute between Northland and Verizon New York, Inc. with respect to the effect of the Commission's *ISP Remand Order*<sup>2</sup> on the reciprocal compensation and change-of-law provisions of their interconnection agreements. Northland requests expedited treatment of its preemption petition.

This proceeding shall be governed by "permit-but-disclose" *ex parte* procedures that are applicable to non-restricted proceedings under 47 C.F.R. § 1.1206. Parties making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required. *See* 47 C.F.R. § 1.1206(b)(2). Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well.

Interested parties may file comments on the petition on or before **December 12, 2003** and reply comments on or before **December 19, 2003**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS), or by filing paper copies. Parties

<sup>1</sup> 47 U.S.C. § 252(e)(5); 47 C.F.R. § 51.803.

<sup>2</sup> *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, Intercarrier Compensation for ISP-Bound Traffic*, CC Docket No. 96-98, Order on Remand and Report and Order, 16 FCC Rcd 9151 (2001) (subsequent history omitted).

who choose to file by paper must file an original plus four (4) copies addressed to Marlene H. Dortch, Secretary, Federal Communications Commission. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, DC 20554.

Comments filed through the ECFS can be sent via the Internet at <http://www.fcc.gov/cgb/ecfs>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and **WC Docket No. 03-242**. Parties may also submit an electronic copy by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message: "get form <your email address>." A sample form and directions will be sent in reply. Commenters also may obtain a copy of the ASCII Electronic Transmittal Form (FORM-ET) at <http://www.fcc.gov/cgb/ecfs/email.html>.

Regardless of whether parties choose to file electronically or by paper, parties should also file one copy of any document filed in this docket with the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, S.W., Washington, DC 20554 (telephone 202-863-2893, facsimile 202-863-2898) or via e-mail to [qualexint@aol.com](mailto:qualexint@aol.com). In addition, one copy of each submission must be sent to the Chief, Pricing Policy Division, 445 12th Street, S.W., Washington, DC 20554.

Documents filed in this proceeding will be available for public inspection during regular business hours in the Commission's Reference Information Center, 445 12th Street, S.W., Washington, DC 20554, and will be placed on the Commission's Internet site. They may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, DC 20554, telephone 202-863-2893, facsimile 202-863-2898, e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

Accessible formats (computer diskettes, large print, audio recording and Braille) are available to persons with disabilities by contacting the Consumer & Governmental Affairs Bureau at (202) 418-0531, TTY (202) 418-7365, or [fcc504@fcc.gov](mailto:fcc504@fcc.gov).

For further information regarding this proceeding, contact Paul Moon, [paul.moon@fcc.gov](mailto:paul.moon@fcc.gov), (202) 418-1530, Pricing Policy Division, Wireline Competition Bureau.